

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Reed Brodsky
Direct: +1 212.351.5334
Fax: +1 212.351.6235
RBrodsky@gibsondunn.com

April 26, 2017

BY ECF AND BY HAND

The Honorable Kiyo A. Matsumoto
United States District Court Judge for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Shkreli et al., S1 15 Cr. 637 (KAM)

Dear Judge Matsumoto:

Pursuant to Your Honor's April 19, 2017 Order, we respectfully submit this letter regarding Mr. Shkreli's motion to compel additional documents from Retrophin, Inc. ("Retrophin"). To date, we have had productive conversations with counsel for Retrophin about Mr. Greebel's need for certain documents to defend himself at trial. We intend to continue those conversations and hope that we can achieve a mutually acceptable resolution without judicial intervention.

We understand that in order to defend himself at trial, Mr. Shkreli seeks approximately 984 documents (Shkreli Br. at 17), 101 of which Retrophin offered to produce to him late last month. *See* Declaration of Nicholas Flath in Opposition to Defendant Shkreli's Motion to Compel ¶¶ 19-20. We further understand that Mr. Shkreli has had an opportunity to review all the documents at issue through the privilege review process that took place last winter. By contrast, Mr. Greebel received for review a "subset" of those documents—and it is unclear whether he has all the documents at issue here due to Katten Muchin and Mr. Shkreli using different Bates numbers/ranges. *See, e.g.,* Minute Entry and Order (Dec. 16, 2016) (Dkt. 137) ¶ 7; *see also* Letter from Ian Shapiro, Esq. to The Honorable Kiyo A. Matsumoto, dated January 23, 2017 (Dkt. 150) at 4.

As a result, although Mr. Shkreli's moving brief provides general descriptions of the categories of documents he wants (*see* Shkreli Br. at 18-20), we cannot determine exactly which documents he is seeking. Accordingly, to the extent that the Court grants some or all of Mr. Shkreli's motion, we ask that the same documents be produced to Mr. Greebel.

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We appreciate Your Honor's attention to our position on this motion.

Respectfully,

/s/ Reed Brodsky

Reed Brodsky

cc: All counsel (via ECF)